

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	
NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION)	MDL Docket No. 2323 Master Case No. 12-md-2323
)	
<u>THIS DOCUMENT RELATES TO:</u> Dominic Austin, et al. 2:12-cv-04381-AB)	Hon. Anita B. Brody
)	

STIPULATION FOR FIRST AMENDED COMPLAINT

This Stipulation is made by and between Plaintiffs and Defendants, by and through their counsel of record, with reference to the following facts:

WHEREAS, Plaintiffs filed their Complaint in the United States District Court for the Southern District of Mississippi, on July 3, 2012;

WHEREAS, the Judicial Panel on Multidistrict Litigation issued a Conditional Transfer Order on July 24, 2012 to transfer the case to the Eastern District of Pennsylvania pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation;

WHEREAS, the Conditional Transfer Order was finalized on August 2, 2012;

WHEREAS, Plaintiffs will file a First Amended Complaint in the Eastern District of Pennsylvania to add further parties whom Plaintiffs contend are additional similarly-situated plaintiffs;

WHEREAS, Defendants do not contest Plaintiffs' filing of a First Amended Complaint;

WHEREAS, Defendants reserve their rights to argue that the consolidation of multiple Plaintiffs' claims within one complaint is improper, and this stipulation is without prejudice to any such objection. Moreover, Defendants' consent to Plaintiffs' filing of a First Amended Complaint to add additional plaintiffs is provided in light of the liberal standards for amending pleadings under Rule 15 of

the Federal Rules of Civil Procedure and is without waiver of—and is with total reservation of—any of Defendants’ defenses, arguments, and positions with regard to any iteration of the Complaint, either as it currently exists or as amended, including but not limited to arguments concerning timeliness and limitations of actions, failure to state a claim, joinder and severance, or any other arguments. Plaintiffs will not argue, and this Stipulation is not to be and cannot be taken to support any argument of purported waiver of any defense positions or arguments.

NOW THEREFORE, Plaintiffs and Defendants, through their counsel of record, stipulate to the following:

IT IS HEREBY STIPULATED that Defendants consent to Plaintiffs’ filing of a First Amended Complaint.

DATED: January 22, 2013

By: /s/ Philip W. Thomas
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DATED: February 8, 2013

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the _____ day of January 2013.

/s/ Philip W. Thomas
PHILIP W. THOMAS